UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,563	09/12/2000	Gregory L. Slaughter	5181-64900	6903

7590 03/29/2004

Robert C Kowert
Conley Rose & Tayon PC
P O Box 398
Austin, TX 78767-0398

EXAMINER	
BRANCOLINI, JOHN R	
ART UNIT	**PAPER NUMBER**
2153	10

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/660,563	SLAUGHTER ET AL.	
	Examiner	Art Unit	
	John R Brancolini	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-30 are pending in the application.

Priority

Claim for priority has been made to US provisional applications: 60/202975, 60/208011, 60/209430, 60/209140, 60/209525. The effective filing date used for prior art application purposes is May 5, 2000.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 13, 2001 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on August 16, 2001 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on September 19, 2001 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on October 15, 2002 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on November 8, 2002 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The electronic information disclosure statement (eIDS) submitted on January 20, 2004 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The information disclosure statement (IDS) submitted on January 22, 2004 was filed after the mailing date of the application on September 12, 2000. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the restating of the title in the first line. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-13, 17-23, 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (European Patent 0892530), hereinafter referred to as Rosenberg.

In regards to claim 1, Rosenberg discloses a method comprising:

- A client reading an advertisement from a space (a server multicasts an advertisement to a group which includes a client, see figure 1 for a representation of the group including a client, see also col 3 lines 46-50), wherein the space comprises a network-addressable storage location, wherein the advertisement comprises a Uniform Resource Identifier (URI) and a schema, wherein the URI specifies a network address at which a service may be accessed, and wherein the schema specifies one or more messages usable to invoke one or more functions of the service (a service broker acts as a medium between the client and the server, utilizing a certain URL for identification purposes. The service broker broadcasts the advertisement with a schema with matching requirements for linking a client and a server, including methods for the client to contact the service broker for information, col 5 line 38 to col 6 line 8).
- The client sending a first message to the service at the URI, wherein the first message is specified in the schema (the client can respond to the criteria set forth in the schema to the service broker which processes the request, col 5 lines 38-45).

In regards to claim 2, Rosenberg discloses the service sending a second message to the client in response to the client sending the first message to the service, wherein the second message is specified in the schema (Figure 2 shows a flow chart of the transmission of messages, after the client contacts the directory agent for information on services as stated in the initial schema message, the directory agent

searches for appropriate services, and responds to the client in step 7, see also col 7 lines 1-21).

In regards to claim 3, Rosenberg discloses invoking one or more functions of the service in response to the client sending the first message to the service (once a client responds, a search is done by the agent in order to match the client up with the most appropriate service providers, col 7 lines 1-21).

In regards to claim 7, Rosenberg discloses the URI comprises an Internet address (col 6 lines 2-4 shows the broker using an internet address).

In regards to claim 8, Rosenberg discloses the service publishing the advertisement in the space (a server multicasts an advertisement to a group in a space, see col 3 lines 46-50).

In regards to claim 9, Rosenberg discloses the client using a lookup service to find the advertisement in the space (the client replies to the broker which acts as a lookup service to find a server with appropriate services, col 6 line 57 to col 7 line 21).

In regards to claim 10, Rosenberg discloses the client using the URI and the schema in the advertisement to construct a gate for access to the service the client is operable to use the URI and the schema in the advertisement to construct a gate for

access to the service (after receiving the advertisement with the URI and the schema, the client responds with a message which creates a gate between the client and the broker for communication of the services, figure 2 steps 5-10, also col 5 lines 38-55, col 6 line 57 – col 7 line21).

In regards to claim 11, Rosenberg discloses a system comprising:

- A client (figure 1 shows a client).
- A service which is communicatively coupled to the client (figure 1 shows a server coupled to the client).
- A space which is communicatively coupled to the client, wherein the space comprises a network-addressable storage location, wherein the space stores an advertisement for the service (a server multicasts an advertisement to a group which is displayed in network-addressable space, see col 3 lines 46-50), wherein the advertisement comprises a Uniform Resource Identifier (URI) and a schema, wherein the URI specifies a network address at which the service may be accessed, and wherein the schema specifies one or more messages usable to invoke one or more functions of the service (a service broker acts as a medium between the client and the server, utilizing a certain URL for identification purposes. The service broker broadcasts the advertisement with a schema with matching requirements for linking a client and a server, including methods for the client to contact the service broker for information on certain services, col 5 line 38 to col 6 line 8).

- Wherein the client is operable to:
  - Read the advertisement from a space (a server multicasts an advertisement to a group which includes a client, see figure 1 for a representation of the group including a client, see also col 3 lines 46-50).
  - Send a first message to the service at the URI, wherein the first message is specified in the schema (the client can respond to the criteria set forth in the schema to the service broker, at the broker's determined address space, the broker then processes the request, col 5 lines 38-45).

In regards to claim 12, Rosenberg discloses the service is operable to send a second message to the client in response to the first message, wherein the second message is specified in the schema (Figure 2 shows a flow chart of the transmission of messages, after the client contacts the directory agent for information on services as stated in the initial schema message, the directory agent searches for appropriate services, and responds to the client in step 7, see also col 7 lines 1-21).

In regards to claim 13, Rosenberg discloses one or more functions of the service are invoked in response to the first message (once a client responds, a search is done by the agent in order to match the client up with the most appropriate service providers, col 7 lines 1-21).

In regards to claim 17, Rosenberg discloses the URI comprises an Internet address (col 6 lines 2-4 shows the broker using an internet address).

In regards to claim 18, Rosenberg discloses the service is operable to publish the advertisement in the space (a server multicasts an advertisement to a group in a space, see col 3 lines 46-50).

In regards to claim 19, Rosenberg discloses the client is operable to use a lookup service to find the advertisement in the space (the client replies to the broker which acts as a lookup service to find a server with appropriate services, col 6 line 57 to col 7 line 21).

In regards to claim 20, Rosenberg discloses the client is operable to use the URI and the schema in the advertisement to construct a gate for access to the service (after receiving the advertisement with the URI and the schema, the client responds with a message which creates a gate between the client and the broker for communication of the services, figure 2 steps 5-10, also col 5 lines 38-55, col 6 line 57 – col 7 line21).

In regards to claim 21, Rosenberg discloses a carrier medium comprising program instructions, wherein the program instructions are computer-executable to implement:

- A client reading an advertisement from a space (a server multicasts an advertisement to a group which includes a client, see figure 1 for a representation of the group including a client, see also col 3 lines 46-50), wherein the space comprises a network-addressable storage location, wherein the advertisement comprises a Uniform Resource Identifier (URI) and a schema, wherein the URI specifies a network address at which a service may be accessed, and wherein the schema specifies one or more messages usable to invoke one or more functions of the service (a service broker acts as a medium between the client and the server, utilizing a certain URL for identification purposes. The service broker broadcasts the advertisement with a schema with matching requirements for linking a client and a server, including methods for the client to contact the service broker for information, col 5 line 38 to col 6 line 8).
- The client sending a first message to the service at the URI, wherein the first message is specified in the schema (the client can respond to the criteria set forth in the schema to the service broker which processes the request, col 5 lines 38-45).

In regards to claim 22, Rosenberg discloses the service sending a second message to the client in response to the client sending the first message to the service, wherein the second message is specified in the schema (Figure 2 shows a flow chart of the transmission of messages, after the client contacts the directory agent for information on services as stated in the initial schema message, the directory agent

searches for appropriate services, and responds to the client in step 7, see also col 7 lines 1-21).

In regards to claim 23, Rosenberg discloses invoking one or more functions of the service in response to the client sending the first message to the service (once a client responds, a search is done by the agent in order to match the client up with the most appropriate service providers, col 7 lines 1-21).

In regards to claim 27, Rosenberg discloses the URI comprises an Internet address (col 6 lines 2-4 shows the broker using an internet address).

In regards to claim 28, Rosenberg discloses the program instructions are further computer-executable to implement the service publishing the advertisement in the space (a server multicasts an advertisement to a group in a space, see col 3 lines 46-50).

In regards to claim 29, Rosenberg discloses the client using a lookup service to find the advertisement in the space(the client replies to the broker which acts as a lookup service to find a server with appropriate services, col 6 line 57 to col 7 line 21).

In regards to claim 30, Rosenberg discloses the client using the URI and the schema in the advertisement to construct a gate for access to the service (after

receiving the advertisement with the URI and the schema, the client responds with a message which creates a gate between the client and the broker for communication of the services, figure 2 steps 5-10, also col 5 lines 38-55, col 6 line 57 – col 7 line21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-6, 14-16, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of Brown et al. (US Patent 6658415), hereinafter referred to as Brown.

In regards to claims 4, 14, and 24, Rosenberg discloses all the limitations of claims 1, 11, and 21, but fails to disclose the schema is expressed in a data representation language.

Brown discloses a system for monitoring and managing user access to online content. In this system, Brown discloses expressing data transfer file, such as document type definitions, as well as schema expressions in XML, which is a data representation language (see col 5 lines 11-24). Brown shows that using a common data representation language in expression of schemas is preferable to use to allow for a universally accessible data structure transmittable to multiple diverse access platforms (col 1 line 64 – col 2 lines 15).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Rosenberg to include expressing a schema in a data representation language as taught by Brown to allow for a universally accessible data structure transmittable to multiple diverse access platforms.

In regards to claims 5, 15, and 25, Brown discloses a message is expressed in a data representation language. (a data file is transferred in a message, the file being expressed in XML, or a data representation language, col 5 lines 11-24).

In regards to claims 6, 16, and 26, Brown discloses the data representation language comprises extensible Markup Language (XML) (the data files, as discussed above, are expressed in XML, col 5 lines 11-24).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Roth et al. (US Patent 6285987), an Internet advertising system utilizing an information database which characterizes services for individual users.
- Dustin et al. (US Patent 6496857), a system of delivering targeted advertisements with time based communication systems for interaction with a user seeking a certain service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRB

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100